

HIDDEN VILLAGE PROPERTY OWNERS ASSOCIATION
Alternative Dispute Resolution Policy

The following policy regarding alternative dispute resolution was adopted by the Board of Directors of the Hidden Village Property Owners Association (“Association”) pursuant to C.R.S. § 38-33.3-209.5 and 124, at a regular meeting of the Board of Directors.

Effective Date: January 16, 2020

NOW, THEREFORE, it is resolved that the Association does adopt the following policy regarding the resolution of certain disputes:

1. The Board desires to encourage the use of certain types of alternative dispute resolution (“ADR”) to resolve certain claims between Owners and the Association, pursuant to C.R.S. § 38-33.3-124.
2. The Board has determined that mediation can be an effective method of resolving certain disputes if both parties to the dispute genuinely desire to mediate the dispute. Consequently, the term “ADR” as used in this policy shall apply only to mediation. Furthermore, compliance with this policy is purely voluntary but encouraged nonetheless.
3. This policy shall be inapplicable to disputes involving the collection of delinquent assessments or other similar charges that may be assessed to Owners’ accounts.
4. If an Owner or the Association desires that a matter between the two, other than those excluded above, be submitted to mediation, the moving party shall submit a written request for mediation. The other party shall respond in writing within thirty (30) days of receipt of the request for mediation. Should the parties agree to mediate, the parties shall work cooperatively to select a mutually-acceptable mediator and shall endeavor to mediate the dispute in a good faith manner.
5. Any agreement reached through mediation shall be documented in a signed writing. Unless the parties agree to the contrary, the cost of the mediation shall be divided equally between the Owner and the Association. If the dispute is resolved through mediation, the parties’ respective attorneys’ fees shall be paid as set forth in the writing.
6. If the parties resolve any dispute through mediation, and the other party fails to abide by the terms of the written agreement pertaining to such resolution, then the other party may file suit to enforce such agreement immediately. In such event, the party taking action to enforce the agreement shall be entitled to recover from the non-complying party all costs incurred in enforcing such agreement, including without limitation, attorney fees and costs.
7. If mediation is to be pursued, the Association may request an agreement with the Owner be executed prior to the commencement of the mediation, which tolls any applicable statute of limitations while the parties are attempting to resolve the dispute through ADR.

8. The parties may be, but do not need to be, represented by counsel at the mediation proceedings.
9. Compliance with this policy shall not be a pre-requisite to seeking redress through litigation; either party can request mediation in accordance with this policy before or after a suit is filed.
10. This Policy shall replace and supersede all previous policies, rules, and regulations regarding the subject matter of this Policy.
11. In the event that a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The undersigned hereby certifies that the foregoing resolution was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association conducted on the 16th day of January, 2020.

HIDDEN VILLAGE PROPERTY OWNERS ASSOCIATION

By: Daryl L. Grungisen, PRESIDENT
(Print Name) (Print Title)